

Introduced by Senator La Malfa

February 24, 2012

An act to add Section 1487 to the Water Code, relating to water resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1340, as introduced, La Malfa. Appropriation of water: Sewerage Commission Oroville.

Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants permits and licenses to appropriate water.

Existing law requires the owner of a wastewater treatment plant to obtain the approval of the state board prior to making any changes in the point of discharge, place of use, or purpose of use of treated wastewater, and requires the state board to review the proposed changes in accordance with prescribed procedures.

This bill would authorize the Sewerage Commission Oroville to file an application for a permit to appropriate a specified amount of water that is based on the volume of treated wastewater that it discharges into the Feather River, as specified. The bill would authorize the state board to grant a permit to appropriate that treated wastewater upon terms and conditions determined by the state board. The bill would require the board, prior to granting a permit pursuant to these provisions, to comply with permit, approval, and review requirements and other laws applicable to the appropriation of water.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Sewerage Commission Oroville.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1487 is added to the Water Code, to read:

2 1487. (a) The Sewerage Commission Oroville, and any
3 successor thereto, with respect to treated wastewater produced by
4 the sanitation district that meets the requirements of the California
5 Regional Water Quality Control Board, Central Valley, as may be
6 amended or modified, and that is discharged into the Feather River,
7 may file an application with the State Water Resources Control
8 Board for a permit to appropriate an amount of water up to the
9 amount of treated wastewater that the Sewerage Commission
10 Oroville discharges into the Feather River, less diminution by
11 seepage, evaporation, transportation, or other natural causes
12 between the point of discharge from the wastewater treatment plant
13 and the point of diversion out of the Feather River.

14 (b) Upon application for a permit to appropriate water pursuant
15 to subdivision (a), the state board may grant the permit subject to
16 the terms and conditions as in the board's judgment are necessary
17 for the protection of the rights of any legal user of the water.

18 (c) Prior to the state board granting a permit under subdivision
19 (b), the board shall comply with the provisions of Part 2
20 (commencing with Section 1200) of Division 2, and other
21 applicable law, and may impose terms and conditions authorized
22 thereunder.

23 (d) Water appropriated in accordance with this section may be
24 sold or utilized for any beneficial purpose.

25 SEC. 2. The Legislature finds and declares that a special law
26 is necessary and that a general law cannot be made applicable
27 within the meaning of Section 16 of Article IV of the California
28 Constitution because of the unique problems applicable to the full
29 utilization of the waters of the Feather River, into which treated
30 wastewater discharged by the Sewerage Commission Oroville
31 flows.